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Type of paper transmitted: Response to Restriction RequirementApplicant's Name: Kaufman et alSerial No. (Control No.): 10/805,008 Examiner: Vivian ChenFiling Date: 3/19/2004 Art Unit: 1773 Confirmation No.: 7789Application Title: BIODEGRADABLE ALIPHATIC-AROMATIC COPOLYESTER FILMS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Ross Thomas Kaufman, et al. Art Unit 1773
Serial No. 10/805,008
Filed March 19, 2004
Confirmation No. 7789
For BIODEGRADABLE ALIPHATIC AROMATIC COPOLYESTER FILMS

April 19, 2006

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS,
SIR:

RESPONSE TO RESTRICTION REQUIREMENT

This letter is in response to the Office action dated March 23, 2006 in which an election was required between the following groups of claims:

Group I: Claims 1-52 directed to an aliphatic-aromatic copolyester film comprising a biodegradable precursor film (class 428, subclass 480+); and

Group II: Claims 53-94 directed to an aliphatic-aromatic copolyester film comprising a biodegradable stretched film (class 428, subclass 304.4+).

The claims of Group I (claims 1-52) are elected for examination in this application.

The Office has also required an election of one species from each of the following groups:

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(a) mechanical properties, selected from (1) modulus ratio; (2) break strain in machine direction; (3) break strain in the transverse direction, and (4) break stress in machine direction.

(b) barrier properties, selected from (1) hydrostatic pressure resistance, (2) water vapor transmission rate, (3) modulus of elasticity, (4) break strain in machine direction, (5) break strain in cross direction, and (6) break stress.

Applicants respectfully submit that an election of species is unnecessary. Section 806.04(f) of the MPEP states:

Where two or more species are claimed, a requirement for restriction to a single species may be proper if the species are mutually exclusive. Claims to different species are mutually exclusive if one claim recites limitations disclosed for a first species but not a second, while a second claim recites limitations disclosed only for the second species and not the first. This may also be expressed by saying that to require restriction between claims limited to species, the claims must not overlap in scope.

The claims of elected Group I are not mutually exclusive under this standard. For instance, with respect to the "mechanical properties" election, modulus ratio, break strain in machine direction, break strain in the transverse direction, and break stress in machine direction are not mutually exclusive species. Rather, they are properties that any aliphatic-aromatic copolyester film would have, regardless of whether or not the claim actually specifies a value for the particular property. Thus, none of the elected Group I claims are mutually exclusive with regards to the species identified for the

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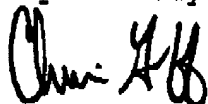
"mechanical properties" election, and an election of any of the listed species would be an election of all Group I claims. The same can also be said for the "barrier properties" election.

Notwithstanding the foregoing traverse, for the first election, mechanical property, applicants elect (2), break strain in machine direction. All claims (claims 1-94) read on the elected species. For the second election, barrier properties, applicants elect (2), water vapor transmission rate. All claims (claims 1-94) read on the elected species.

Applicants reserve the right to file divisional applications directed to the subject matter of the non-elected claims.

The Commissioner is hereby authorized to charge any government fees which may be required to Deposit Account No. 19-1345.

Respectfully Submitted,



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